

**WRITTEN STATEMENT PER 37 C.F.R. § 1.133(b) REGARDING
SUBSTANCE OF DECEMBER 22, 2010, APPLICANT
INITIATED TELEPHONE INTERVIEW WITH THE EXAMINER**

Applicants appreciate the opportunity to discuss this application with Examiner Said Broome in a telephone interview which took place on December 22, 2010. In accordance with the requirements of 37 C.F.R. § 1.133(b), and the Manual of Patent Examining Procedure (MPEP) § 713.04, Applicants provide the following written statement of what took place during the telephone interview and any reasons presented as warranting favorable action.

The telephone interview was initiated by Applicants' representative, namely the undersigned attorney of record Richard E. Wawrzyniak. Those participating in the interview were the undersigned attorney of record Richard Wawrzyniak and Examiner Said Broome. No exhibits or demonstrations were shown or discussed. No prior art was discussed. The claim that was discussed was independent claim 41.

The following is a brief summary of the interview, which includes the general thrust of any principal arguments discussed or presented.

During the interview the undersigned asked Examiner Broome whether or not independent claim 41 had been rejected based on prior art in the present Office Action mailed July 2, 2010. The undersigned pointed out that in the Office Action there is no prior art rejection of claim 41, but yet page 20 of the Office Action provides a suggested amendment to claim 41 (as well as independent claims 22 and 24) to recite the allowable subject matter of claim 1, presumably for the purpose of making those claims allowable over the cited references. (See Office Action mailed 7/2/10, page 20).

Examiner Broome responded by indicating that he did not intend to reject claim 41 based on prior art and that there is no prior art rejection of claim 41. The Examiner appeared to indicate that the inclusion of claim 41 in the suggested amendment on page 20 of the Office Action was a typographical error. Examiner Broome further indicated that the rejection of claim 41 under 35 U.S.C. 101 is the only rejection of claim 41. The Examiner indicated that amending claim 41 to recite "A non-transitory computer readable medium..." as suggested on page 3 of the

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Office Action will make claim 41 allowable.

No other issues were discussed.

Accordingly, the telephone interview of December 22, 2010, ended with the agreement and understanding that the present Office Action mailed July 2, 2010, does not include a prior art rejection of claim 41 and that the only rejection of claim 41 is under 35 U.S.C. 101.